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Docket No.: M-11491 US

July 27, 2001

BOX PATENT APPLICATION

Commissioner for Patents  
Washington, D.C. 20231

Enclosed herewith for filing is a patent application, as follows:

Inventors: Stephen D. Walker; John E. Repine; Charles W. Henry; Harry L. Valenta, Jr.;  
Peter E. Nelson; R. Dale Zellers

Title: NONINVASIVE OPTICAL SENSOR FOR MEASURING NEAR INFRARED  
LIGHT ABSORBING ANALYTES

X Return Receipt Postcard  
X This Transmittal Letter (in duplicate)  
20 page(s) Specification (not including claims)  
8 page(s) Claims  
1 page Abstract  
2 Sheet(s) of Drawings  
3 page(s) Declaration For Patent Application and Power of Attorney  
1 page NonPublication Request  
1 page(s) Recordation Form Cover Sheet (in duplicate)  
1 page(s) Assignment

☒ Applicant(s) assert(s) entitlement to small entity status for the attached patent application

**CLAIMS AS FILED (fees computed under 37 CFR §1.9(f))**

For	Number Filed		Number Extra		Rate		Basic Fee
Total Claims	39	-20 =	19	x	\$ 9.00	=	\$ 171.00
Independent Claims	4	-3 =	1	x	\$40	=	\$ 40.00
<input type="checkbox"/>	Fee of _____ for the first filing of one or more multiple dependent claims per application						\$
<input type="checkbox"/>	Fee for Request for Extension of Time						\$

**Please make the following charges to Deposit Account 19-2386:**

- ☒ Total fee for filing the patent application in the amount of \$ 566.00  
☒ The Commissioner is hereby authorized to charge any additional fees which may be  
required, or credit any overpayment to Deposit Account 19-2386.

EXPRESS MAIL LABEL NO:  
EL 922455842 US

Respectfully submitted,

*Ken Koestner*

Ken J. Koestner  
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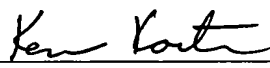
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MODIFIED PTO/SB/35 (11-00)

<b>REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>	Inventors	Stephen D. Walker; John E. Repine; Charles W. Henry; Harry L. Valenta, Jr.; Peter E. Nelson; R. Dale Zellers
	Title	Noninvasive Optical Sensor For Measuring Near Infrared Light Absorbing Analytes
	Atty Docket Number	M-11491 US

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

July 27, 2001  
Date

  
Ken J. Koestner  
Attorney for Applicants  
Reg. No.: 33,004

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

7 CFR 1.213(a) provides for a request that an application not be published under 35 U.S.C. 122(b). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. SEND TO: Commissioner for Patents, Washington, DC 20231.